

1 WILLIAM H. BROWN (7623)  
2 BROWN MISHLER, PLLC  
3 330 E. Charleston Blvd., Suite 100  
4 Las Vegas, Nevada 89104  
5 Tel: (702) 816-2200  
6 Fax: (702) 816-2300  
7 Email: [WBrown@BrownMishler.com](mailto:WBrown@BrownMishler.com)  
8 *Attorney for Defendant*  
9 *Kenneth Hall*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,

2:18-cr-00170-APG-DJA

13 Plaintiff,

**STIPULATION TO CONTINUE  
SENTENCING**

14 vs.

15 KENNETH HALL,

**(Second Request)**

16 Defendant.

17 IT IS HEREBY STIPULATED AND AGREED, by and between  
18 Nicholas A. Trutanich, United States Attorney, and Daniel J. Cowhig,  
19 Assistant United States Attorney, counsel for the United States of America,  
20 and William H. Brown, Esq., of BROWN MISHLER, PLLC, counsel for  
21 defendant Kenneth Hall, that the sentencing hearing currently scheduled for  
22 June 10, 2020, at 10:00 a.m., be vacated and continued at least sixty (60)  
23 days (to at least August 10, 2020), or alternatively to a subsequent date and  
24 time convenient to the Court.

25 This Stipulation is entered for the following reasons:  
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1           1.       This is the second requested continuance for sentencing.

2           2.       Mr. Hall has a detainer for a companion state case (*State v. Hall*,  
3 Docket No. 18CRH000596, currently pending in Henderson Justice Court)  
4 that should, and most likely be, dismissed in light of this case. Unless and  
5 until that happens, the related detainer will adversely affect Mr. Hall's BOP  
6 classification, which, in turn, may result in designation to a higher security  
7 facility and/or limit Mr. Hall's access to in-custody rehabilitative ad  
8 educational programs.  
9

10           3.       Specifically, it appears that pursuant to BOP Program Statement  
11 ("P.S.") 5100.08 Chapter 6 § B and Appendix A, p. 3 (2019), the detainer will  
12 result in an additional point for classification purposes.  
13

14           4.       That Mr. Hall not be unnecessarily excluded from BOP  
15 educational and rehabilitation programs is important for obvious reasons and  
16 also because Mr. Hall will likely be ineligible to participate in the BOP's most  
17 effective residential drug treatment program (RDAP) because of a two-level  
18 sentencing enhancement for possession of a firearm. *See* P.S. 5162.05(4)(b) &  
19 (d); *see also, Grassi v. Hood*, 251 F.3d 1218, 1221 (9th Cir.), *amended on reh'g*  
20 *en banc*, 260 F.3d 1158 (9th Cir. 2001) (BOP has discretionary authority to  
21 categorically exclude prisoners who receive a two-point (gun) sentencing  
22 enhancement). This likely exclusion from RDAP makes Mr. Hall's access to  
23 other BOP programs all the more important.  
24  
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1           5.     Mr. Hall only recently discovered this detainer, and defense  
2 counsel is currently coordinating with Mr. Hall's state public defender to  
3 resolve the detainer issue but seeks more time to secure a lifting of the  
4 detainer.  
5

6           6.     Separately, Mr. Hall prefers an in-person sentencing without  
7 masks, after an opportunity to consult and prepare with his counsel in person  
8 for the sentencing and is willing to wait until prudent safety measures would  
9 allow that to happen without unnecessary risk to any of the parties.  
10

11           7.     The government does not believe that on balance the interests of  
12 justice would be harmed by a continuance to accommodate Mr. Hall's  
13 preference. Should conditions permit an earlier sentencing, the government  
14 will not oppose a request by Mr. Hall to advance his sentencing.  
15  
16

17           8.     Therefore, both to allow sufficient time to remedy the detainer  
18 issue, and to allow Mr. Hall to personally appear and to allow him to confer  
19 with his counsel in person beforehand, the parties seek a continuance of at  
20 least 60 days.  
21

22           9.     Defendant is in custody and does not object to the need to  
23 continue sentencing.  
24

25           10.    The government agrees to the requested continuance.  
26  
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1 This is the second request for a continuance of sentencing.

2 Date: May 21, 2020

3 Counsel for KENNETH HALL

NICHOLAS A. TRUTANICH

4 United States Attorney

5 /s/ William Brown

/s/ Daniel J. Cowhig

6 WILLIAM H. BROWN

DANIEL J. COWHIG

7 BROWN MISHLER, PLLC

Assistant United States Attorney

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8 *Attorney for Defendant*  
9 *Kenneth Hall*

10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,

2:18-cr-00170-APG-DJA

13 Plaintiff,

**ORDER CONTINUING  
SENTENCING DATE**

14 vs.

15 KENNETH HALL,

16 Defendant.

17  
18 Based on the pending stipulation of counsel, and good cause appearing  
19 therefore, the Court hereby vacates the current sentencing date of June 10,  
20 2020, and continues the date, such that the new sentencing date shall be  
21 August 19, 2020 at 2:00 p.m. in Courtroom 6C.  
22

23 DATED this 21st day of May, 2020.

24   
25 \_\_\_\_\_  
26 UNITED STATES DISTRICT JUDGE  
27  
28